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. The 15th meeting of the CIA RETIREMENT BOARD
 convened at 2:05 p.m. on Thursday, 15 July 1965, with the following present:

Mr. Emmett D. Echols, Chairman
 [redacted] DP Member
 Mr. James Critchfield, DDP Member
 [redacted] DDP Member
 [redacted] T Member
 [redacted] S Member
 [redacted] nance Adviser
 [redacted] ecutive Secretary
 [redacted] Recording Secretary

MR. ECHOLS: Are there any additions or corrections to
 the Minutes? Any comment? (No response.) If not, we will accept the
 minutes as presented.

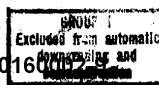
We have four groupings of cases today. Group A
 involves a single person who clearly meets all the basic criteria for designation
 as a participant. He is subject to mandatory retirement on 31 August 1965, and
 his Career Service has advised that they do not intend to seek an extension from
 the Director. I think there is one thing unusual about this case in that the man
 has only 18.2 years of Federal service. Does this raise any question in
 anyone's mind?

25X1A9A [redacted] There was in my mind, but it's clearing up.

The 20 years is not truly a factor in terms of mandatory retirement -- I mean, a
 man can retire at age 60, if he has been designated a participant, with 8 years,
 or 10 years, or 12 years, or however many years he has.

MR. ECHOLS: Right. I seem to recall that we did raise
 in one of our hearings the theoretical case of a man that we induced to come with
 us from industry because he had some special talent that we needed at the moment,
 and yet five years later, conceivably, we might have no need, and we might
 involuntarily retire him, conceivably--

25X1A9A [redacted] I remember you raised those questions when
 you originally drafted the bill -- you drew a distinction between GS-13's and below
 and GS-14's and above -- and then you went through all these discussions, and spent

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a couple of days on it, as I remember. And you remember the Congressional members were concerned about a person coming from another government agency here, and in three or four years maybe retiring under this system, even though they would get only eight or ten percent. Well, they didn't want that to happen, so they drew that five years' service with the Agency as the limit. And I think there was nothing further done with that GS-13's and below and GS-14's and above.

MR. ECHOLS: They scrapped that entire system - the Foreign Service System - which treated differently those above and below a certain grade level.

25X1A9A

[] Let me see if I can express this. At the meeting before the last one we did express some concern -- it seems to me there was an FBIS type who was being told that he was in the system and therefore would be mandatorily retired in July. Now if truly we were taking a man, say at age 61, and saying to him: "You have a choice of getting into our new System and retiring next month, because you're 61, or electing to stay in the Civil Service System and work one more year and retire at 62" -- this is a pretty poor choice to give a man, and I think it would be rather hard-nosed on our part.

But this case I guess is different, in that in August he will be 62, which is the retirement date he has right along been shooting for -- is that right? His retirement is not being accelerated beyond that which he supposedly was warned about five years ago. He was born in August, 1903 -- therefore, in August of 1965 he will be 62.

MR. ECHOLS: In August 1965 he will be 62, which - under either retirement system - will be the expected retirement date.

25X1A9A

[] What I'm trying to say is a little bit of the concept that went into the Foreign Service bill sort of hits me -- they declared a sort of a three-year moratorium -- in my thinking it should be six months, or somewhere between six months to a year, at least. If we bring a man in and we say, "You're in -- but boy! you're out! because you're 60" -- if he previously has been shooting toward retirement at 62 -- in other words, I just

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feel that a man should get sort of six months' notice if his retirement is being accelerated because he is joining this System.

MR. ECHOLS: I don't see that we have any choice, Harry.

The option is: one retirement system and one retirement age policy, and another retirement system and a mandatory retirement age policy. We have no third option to give a person. And we do leave the option with the individual.

25X1A9A

[]: I'm not sure that we don't, if the Board would agree on it -- we're only talking about the first year of this System, and the Career Services could sort of be asked not to be so hard-nosed. I mean, here is a man who has been planning on working for two more years, or one more year, and suddenly he is given the option: "You're qualified, but, boy! if you do, you're out next month."

MR. ECHOLS: Are you suggesting that the Board might conceivably request the Director to extend the man's services, so as not to be so arbitrary--

25X1A9A

[] For six months or so, yes.

MR. ECHOLS: I think the Career Service certainly has that option -- but I don't think we contemplate the Board (doing this), without regard to the Career Services-- We might refer it back to the Career Service and say: "This is pretty precipitous for this individual. What are your desires?"

25X1

[] I don't remember what the story was on the FBIS man -- was he sort of agreeable to being put out at 61?

I'm thinking of public relations, if a man goes to the press or Congress and says, "They pulled me in one day, and next day I'm out."

25X1A9A

MR. ECHOLS: We don't pull him in, we invite him in.

[]

But his choice is a rather unfortunate one.

25X1A9A

[]

In this case the man is not being given a choice. If we put him in the System, this is it -- he has no election.

MR. ECHOLS: Of course, he has the election of appeal, does he not?

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[]: I don't think this case is a problem--

25X1A9A

[]: I don't think there is ... (inaudible) ...

if he were thinking in terms of continuing to work ... But if he wants to go on in Federal service in some other agency he might want to pick up some additional years toward retirement or convert his total retirement credits to Civil Service and leave them in Civil Service. We don't leave him that option if we put him in, in this case.

25X1A9A

[]: However, as far as the Agency is concerned he is not being asked to retire any earlier than he would have if we never got this new System.

Maybe we won't have too many cases of this kind.

MR. ECHOLS: Let me point out that in this case the man has requested in writing that he be designated, and he selects the retirement date of 31 August 1965. So there is no argument here. But I am concerned, now that you bring this up, about a similar case -- for example, when the man has not requested this -- and he might consider being designated, with the corollary requirement of a stipulated retirement date in the very near future, as an adverse action.

25X1A9A

[]: That is right. Let's say he is 61 -- and he says, "I am eligible to be designated a participant, but if I say yes I'm out immediately -- if my Career Service Board doesn't ask for an extension -- and if I say no I can work another year and add two percent to my retirement -- but gosh! I would get three and three-quarters if I was in this System." So it's an unfortunate choice that he has. And it's just, as I say, for this next year.

MR. ECHOLS: In any such case where designation will be followed by mandatory retirement, should I not advise the individual that he has been nominated and has been approved for designation but that it will mean his mandatory retirement, and give him a [] chance to do one of two things: one, to request his Career Service to seek an extension for a reasonable period; or two, alternatively, to ask not to be designated. Do you think that should be done?

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[] Doesn't it go back to the Career Service, though? Because in our 19 April memo we did ask the Career Service, on those individuals that they were nominating as designees who were either at or approaching mandatory retirement age, to give us an indication of their intent with regard to requesting an extension. I think we have covered it.

25X1A9A

[] What was that, again?
[]: In the 19 April memo that went out we asked the heads of the Career Services at the time they nominated an employee for designation into the System, if they were either at or approaching mandatory retirement age under the System to give us an indication of the intent of that Career Service with regard to requesting an extension.

25X1A9A

[]: Who was approaching mandatory retirement under the new Act?

25X1A9A

[]: Yes. I think that was covered purposely.

And we are now getting some memos --

25X1A9A

[]: I'm a strong proponent for the Head of the Career Service calling as many shots as possible -- but I'm indicating here one case where maybe the Board in terms of Agency policy might think it unfortunate to really force a man out that fast, without say a six month adjustment period -- or force him to a decision to take a much lesser retirement.

25X1A9A

[] I think the Director of Personnel, if he chooses to, when a case like that comes up can refer it back to the Career Board if he thinks the equities of a person are being prejudiced. I think as far as the Retirement Board is concerned we don't have to look behind what the Career Board says. This may be a technical point, but I'm differentiating between three people: the Director of Personnel, this Retirement Board, and the Career Service Board.

25X1A9A

[]: Well, I have to admit it's always hard in the abstract -- and so long as we are alerted to it, I think we should look for any possible cases where mandatory retirement has been accelerated over this next year to a point earlier than the 62 the man was thinking of, and he really doesn't

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want out that early but he has the unfortunate choice of, "Do I stay in and be retired earlier at a better rate?" - that we then reconsider the case based on the individual's situation.

25X1A9A

[]: Just for information, the CS Career Service Board to date has considered a number of these cases, and in each case where the person faces retirement at an earlier age than they feel the equities indicate, the Board has decided not to nominate him for the CIA System. That automatically resolves it.

MR. ECHOLS: Is that a tentative stalling tactic, or a final decision?

25X1A9A

[]: That would permit the man to finish up under the regular Civil Service system.

25X1A9A

[]: However, that would give him the right to appeal and say, "I'm qualified to be designated as a participant."

25X1A9A

[]: Oh yes -- the man is consulted, sure.

[]: And then he has to make the choice of going on to 62 or retiring in a very short period of time.

25X1A9A

[]: That is right. But these are all people over 60 that I'm talking about.

MR. ECHOLS: What would you say, Gerry, if you had a man slightly over age 60, who clearly is eligible, meets the criteria, and he says, "I would like to be designated a participant, provided you - Career Service - will ask the Director for an extension and provided the Director will grant an extension of a year or a year and a half." How would you respond to that?

25X1A9A

[]: Well, we might in that case--

MR. ECHOLS: On a case-by-case basis?

25X1A9A

[]: Yes, we would handle it on a case-by-case basis.

It depends on the individual concerned.

MR. ECHOLS: And they might say, "No, we will not ask for an extension" -- and then the option is yours - which way do you want us to move.

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25X1A9A

[]: That is right.

MR. ECHOLS: Okay. Fine.

25X1A9A

[]: It's a question of your sort of splitting the

difference with him. Okay. Maybe the Career Service can iron out each case on its merits before they even submit it.

25X1A9A

MR. ECHOLS: May I have a motion on the [] case?

25X1A9A

[]: Well, it looks okay to me.

[]: I move its approval.

. . . . This motion was then seconded and passed

MR. ECHOLS: In Category B we have one case--

25X1A9A

[]: This is essentially almost the case you just

described -- because here is a man we have nominated for designation and have already announced we are going to ask for an extension.

MR. ECHOLS: This is the case of a person who meets the criteria, has 15 or more years of Agency service, he will become 60 in October, 1965 - in 4 months - and then will be subject to mandatory retirement, and his Career Service intends to ask for a three year extension of his services.

I might add that at this moment, if we designate him now, we have no assurance that the Director will approve the extension -- although I think there is little doubt about it -- but it's not assured. In order to protect the individual, Gerry, would you want to get the extension approved first?

25X1A9A

[]: Well, I suppose technically we ought to --

but can we get an extension if he is not a member of the System? Here you are on dead center--

MR. ECHOLS: Well, you could seek approval of an extension if he is put into the System. I just want to know which way you want to gamble on this thing. You want to keep this man because he is a technician, is that right?

25X1A9A

[]: Yes. He has two unusual skills - he is both

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a pressman and an offset letter pressman -- and you don't often find those in
25X1A6A

combination -- and in [] we need just that kind of a guy.

25X1A9A

[]: He is ready to go back overseas for this
tour because they can't find a replacement.

MR. CRITCHFIELD: Could you hold off on his (15 year)
admission into the System--

25X1A9A

[]: Let him hold off on signing it--

MR. ECHOLS: We can postpone the formal designation while
we're processing your request for extension.

25X1A9A

[]: Let's do that -- let's go ahead and designate
him, and postpone the formal designation while we're getting the extension.

MR. ECHOLS: Do we unanimously approve this man for
designation into the System as far as his qualifications are concerned?

25X1A9A



What does a GA-99 equate to?

Something like \$4.52 an hour, I think.

It's a Wage Board -- I don't know if it stands
for Graphic Arts -- I don't know.

MR. ECHOLS: Okay, the case, I take it, is approved -- and
we will not cut the action until we have processed your request for extension.

25X1A9A

[]: In this case I guess there is no question, it
has to go to the Director?

MR. ECHOLS: Yes.

Category C involves 11 individuals, all of whom appear
to meet the basic criteria and all of whom have 15 or more years of Agency service
and will therefore simultaneously acquire a vested interest.

25X1A9A

[]: I move we offer them an election to remain
25X1A9A
in the System; and in specifically the cases of [] that inasmuch
as it was not necessary to consider their stateside duty in arriving at the qualifying
years, that we just note the fact that the stateside duty was not considered.

MR. CRITCHFIELD: Second.

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. . . . This motion was then passed

25X1A9A

[]: Based on previous experience, I think if
25X1A9A
Paul Borel was here he would vote against the case under B [],
which we all unanimously approved. He says 60 and out -- he feels very strongly
about it.

MR. ECHOLS: Category D consists of six individuals. One
25X1A9A
of these cases likewise cites domestic service, I believe -- the case of [].
25X1A9A
[]: Are you implying some of them don't have the
qualifying service?

MR. ECHOLS: They all have the qualifying service. The
last case, however, also claims domestic qualifying duty -- which we have not
been going into unless we have to.

25X1A9A
[] I move that we designate these gentlemen,
25X1A9A
calling attention only to the fact that in the [] case the stateside duty was
not necessary to arrive at the decision and that it was not considered.

25X1A9A
[] Support it.

. . . . This motion was then passed

MR. ECHOLS: I have one little item of business that I would
like to bring up. You recall at our last meeting we recognized that we were not
conforming to the requirements of the regulation, that we had consciously altered
our procedures during this initial scrutiny of people to provide for the rather
routine redlining of people that the Career Services did not believe qualified,
whereas our regulation calls for an opportunity to be heard by the Retirement Board
prior to recommending an adverse determination. So we deliberately have
deviated from that procedure, and inadvertently we have gotten ourselves into a
little bind because three or four cases of appeal have gone to the IG. We
discussed a procedure by which we can avoid this happening -- I will alert the

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individual to the probability that he will be non-designated and give him the chance to express his desire to be heard if he doesn't readily accept that preliminary judgment.

Quite by coincidence I received this memo from the IG before I had had a chance to discuss this with the IG. I think you will find this interesting.

8 July 1965

MEMORANDUM FOR: Director of Personnel

25X1A9A

SUBJECT : Appeal under [REDACTED]

25X1A9A 1. I have reviewed the memorandum of the Executive
25X1A9A Assistant to the Director of Personnel dated 11 July 1965 forwarding
[REDACTED] memorandum of 1 July 1965 to the Director
of Central Intelligence appealing an adverse determination concerning
[REDACTED] participation in the CIA Retirement and Disability
System.

25X1A9A 2. It is my understanding that the determination made by
25X1A9A you that [REDACTED] is not eligible as a participant in the CIA
25X1A9A Retirement and Disability System was based on the statement by the
Deputy Director for Intelligence that [REDACTED] does not meet the
criteria for such designation and that at no time has the case been
reviewed by the Retirement Board nor has [REDACTED] had a formal
opportunity to submit what he believed to be pertinent information
either to you or to the Retirement Board. It is also my understanding
that if the Deputy Director for Intelligence had nominated [REDACTED] 25X1A9A
for participation in the System that in all probability the case would
have been referred to the Retirement Board and that in accordance
with the provisions of [REDACTED] would have had an 25X1A9A
opportunity to present his case to the Board.

25X1A9A 3. I recognize that the procedures of [REDACTED] the 25X1
applicable regulations, have been strictly adhered to. I believe, how-
ever, that [REDACTED] should be entitled to submit his case to the
Retirement Board for a determination prior to an appeal to the
Director and that it is inappropriate for the Inspector General to
consider the case and to make a recommendation to the Director prior
to its having been reviewed by the Retirement Board.

25X1A9A 4. It is recommended that an employee, on whom an adverse
determination has been made without prior referral to the Retirement
Board, be given the opportunity to be heard by the Retirement Board
prior to invoking the procedures of [REDACTED] for an appeal to 25X1
the Director.

25X1A9A 5. [REDACTED]'s memorandum for the Director of Central
Intelligence dated 1 July 1965 is being returned for your reconsideration.

J. S. Earman
Inspector General

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Well, I think we are all in complete agreement now that we've got to prevent this type of thing happening.

25X1A9A

[] What mechanism are you using? - sort of instructions to each Career Service?

MR. ECHOLS: On these appeals that come to us we will immediately turn to the Career Services and ask them to talk to the individual and show him the Employee Bulletin -- and if he still is unhappy about it, refer the case to the Board.

25X1A9A

[]: Should we go through the motions of designating him as a participant, at his request, so the Board can consider it in that context?

MR. ECHOLS: You mean designating him as a nominee - nominating him. I think that would be proper. Although if the Career Service itself can't meet that basic requirement of certifying that he is in a qualifying field of work, and so on, I don't think then they should nominate him, but I think they should forward the case to the Board for review, and then if the Board agrees and we say no, then let the man appeal, if he still thinks he wants to appeal.

Now, on the redline cases hereafter it appears to me that by some mechanism - presumably a form letter - I'm going to have to notify the man that tentatively it looks like his Career Service and our Retirement Staff, if you will, or myself, are of the opinion that he does not qualify -- and if he accepts this, fine -- but if he does not, he should go to his Career Board and ask for review of his case by the Board -- and that will get it back into channels again. Is that all right?

25X1A9A

[] Yes. I've got one where there is sort of no basis in the world, in my opinion, for an appeal -- but he is sort of a stubborn individual.

25X1A9A

MR. ECHOLS: Any new business?

[] Emmett, I got a call the other day from someone who said that the Board had recommended his designation, he met all the qualifications, and that he was in the over 15 years group, so he had the right

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of election, and that he had received notification from the Chairman that he had to make the election within seven days, and he asked me why he had to make the election within seven days. Well, I didn't know that we had ever discussed this seven days business, and I didn't know the answer to his question. Is there some reason why he couldn't be given more time? - or is there some reason why you are limiting him to seven days in which the election can be made? Because many of these people, I understand, are running around weighing the one system against the other--

MR. ECHOLS: I'm sure if you feel it desirable it could be 14 days or 21 days. We are trying to keep the thing rolling, of course, and if the people are here in Headquarters Building we thought that this would keep things moving faster.

MR. CRITCHFIELD: Is the Employee Bulletin out yet?

MR. ECHOLS: No. It's at the printing plant, is all I know.

MR. CRITCHFIELD: Because until they have the advantage of that, they've got to sort of ferret around and get interpretations -- it's like asking a man to appear in court before he can see his lawyer.

25X1A9A

[] Within reasonable limits, I think we ought

to be liberal on that time business.

25X1A9A

MR. ECHOLS: 14 days - or 30 days -- I don't care.

[]

I think let the head of the Career Service

25X1A9A

just notify [] -- let the Career Service head extend it up to 30 days.

MR. ECHOLS: There is certainly nothing regulatory about this seven days at all.

25X1A9A

[]

Would you prefer, then, that the 7 days

remain in the memo?

25X1A9A

[]

I would just as soon leave it in the memo,

sure -- but extend it liberally.

25X1A9A

[]

Just as a statistic, are you getting many

refusals under this 15 year option?

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[REDACTED]

One - yours.

25X1A9A

MR. ECHOLS: One declination.

[REDACTED]:

And his was very clear cut -- he just wanted

to work until he was 62, and the only way he could do it was stay out of the System.

We talked up and down all angles. I just wondered if there were many more.

MR. ECHOLS: Anything else? (No response.)

Thank you.

. . . . The meeting adjourned at 2:40 p.m.

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